

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AHNOH JAY BARNEY,

Defendant.

CR 18–61–BLG–DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan’s Findings and Recommendations Regarding Revocation of Supervised Release. (Doc. 63.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Mr. Barney’s admissions at the hearing, that Mr. Barney violated the conditions of his supervised release that he report to his probation officer as directed and that he not commit another federal, state, or local crime, and Judge Cavan recommends that this Court revoke Mr. Barney’s

supervised release and sentence him to time served, followed by a 30-month term of supervised release. (Doc. 63 at 1–7.) The Court finds no clear error in Judge Cavan’s Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan’s Findings and Recommendations (Doc. 63) are ADOPTED in full. Mr. Barney shall be sentenced in conformity with Judge Cavan’s recommendation in the judgment filed concurrently with this Order.

IT IS FURTHER ORDERED that the defendant is to be imprisoned until Friday, July 1, 2022, at 11:00 A.M. The defendant shall then be picked up by a representative of Alternatives, Inc. for transport to the Alternatives, Inc. facility.

DATED this 30th day of June, 2022.



Dana L. Christensen, District Judge
United States District Court